

**\*E-Filed 05/19/2010\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALAN CLARIDGE,

No. C 09-06032 VRW

Plaintiff,

**SETTLEMENT CONFERENCE ORDER**

v.

ROCKYOU, INC.,

Defendant.

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter was referred to District Judge Richard Seeborg for Settlement Conference. You are hereby notified that the conference is scheduled for June 18, 2010, at 10:00 a.m. in Courtroom 3, 4th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California.

Lead trial counsel shall appear at the Settlement Conference with the parties and with the person or persons having full authority to negotiate and to settle the case. In all cases in which a party is insured, the carrier's claims representative and attorney, if any, with full authority to negotiate up to the limits of coverage shall also attend the Settlement Conference. Personal attendance by counsel will not be excused under any circumstances and personal attendance by a party will rarely be excused.

1           Permission for a party to attend by telephone may be granted upon written request made  
2 at least ten (10) calendar days in advance of the conference, if the party lives and works outside  
3 of the Northern District of California and attendance would constitute a hardship. The nature of  
4 the hardship must be explained. A copy of the written request must be served on all other  
5 parties. Any objection to the request must be submitted within forty-eight (48) hours of receipt.  
6 Both the request and objection may be submitted in letter form either by mail or facsimile to  
7 415/522-4122. If telephone attendance is allowed, the party must be available throughout the  
8 entire conference.

9           No later than seven (7) calendar days before the Settlement Conference, each party shall  
10 submit a Settlement Conference Statement to District Judge Seeborg in camera. The original  
11 Settlement Conference Statement (no copies are necessary) shall be placed in a sealed envelope,  
12 clearly marked "Confidential: Settlement Conference Statement; Attn: Clerk for District Judge  
13 Seeborg," and lodged with the Clerk's office, Room 2112 on the second floor of the United  
14 States Courthouse, 450 Golden Gate Avenue, San Francisco, California. The clerk will forward  
15 the Settlement Conference Statement to District Judge Seeborg's chambers. The Settlement  
16 Conference Statement shall not be filed with the Court nor are the parties required to serve the  
17 Statement upon the other parties or their counsel.

18           The form and content of the Settlement Conference Statement may vary depending upon  
19 the nature of the case, the stage of the proceedings or timing of the conference, and economic  
20 considerations. Generally, the Settlement Conference Statement should include the following  
21 information:

- 22       1. Statement of Facts. A brief description of the substance of the claims and defenses presented.
- 23       2. Summary of Proceedings. A brief list of the motions previously made, the dispositions  
24       thereof, and any motions pending resolution.
- 25       3. Undisputed Matters. A plain and concise statement of all material facts not reasonably  
26       disputable.
- 27       4. Issues of Fact. A plain and concise statement of the major factual issues in dispute.
- 28

1 5. Issues of Law. A brief statement of the disputed points of law with respect to liability and  
2 damages with reference to statutes and decisions relied upon. Extended legal argument is not  
3 necessary. Reference may be made to memoranda and points and authorities previously filed.

4 6. Relief Sought. A statement of the relief claimed, including a particularized itemization of all  
5 elements of damages.

6 7. Prior Settlement Discussions. A summary of prior settlement activity between the parties,  
7 including settlement offers and responses thereto.

8 8. Litigation Costs. A brief statement of the approximate litigation costs to date and the  
9 estimated cost and time projected for further discovery, pretrial proceedings and trial.

10 9. Settlement Analysis. A brief and forthright evaluation of the strengths and weaknesses of  
11 your case and the probabilities of prevailing on the major issues in dispute.

12 10. Discrete Issues. Are there any discrete issues affecting the parties which, if resolved, would  
13 aid in the disposition of the case.

14 11. Current Settlement Position. Set forth a reasonable proposal of settlement.

15 Parties are encouraged to participate and frankly discuss their case. Statements they make  
16 during the conference will not be admissible at trial to prove or disprove liability in the event  
17 the case does not settle. The parties should be prepared to discuss such items as their settlement  
18 objectives, any impediments to settlement that they perceive, whether they have enough  
19 information to discuss settlement and, if not, what additional information is needed and the  
20 possibility of a creative resolution of the dispute.

21 Any request to continue the Settlement Conference shall be submitted in writing as soon  
22 as possible after consultation with the opposing party. Submission by facsimile is acceptable at  
23 facsimile number 415/522-4122.

24 The parties shall notify District Judge Seeborg's Chambers immediately at 415/522-4120  
25 if this case settles prior to the date set for Settlement Conference.

26  
27 IT IS SO ORDERED.  
28

**United States District Court**  
For the Northern District of California

Dated: 05/19/2010

/s/ Richard Seeborg

RICHARD SEEBORG

UNITED STATES DISTRICT JUDGE